

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM:

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

C.R.P. (NPD) .No.1492 of 2009

&

M.P.No.1 of 2009

Kamsala Pasupathy

... Petitioner

Vs.

Pakkinisa Begam

... Respondent

PRAYER: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the fair and decretal order dated 23.04.2009 on the file of Principal Subordinate Judge's Court (Rent Control Appellate Authority) at Chengalpet in R.C.A.No.1 of 2008 partly reversing the fair and decretal order dated 30.11.2007 in RCOP No.7/2006 on the District Munsif Court (Rent Controller) at Chengalpet.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.J.Hariharan for
M/s.V.Nochoolas

ORDER

Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

2.The tenant is the revision petitioner herein. The revision petition is filed against the order under Section 10 (3)(a)(i) of Tamil Nadu Buildings Lease and Rent Control Act, 1960 for personal use and occupation of the landlady. The facts that the landlady is a widow aged about 50 years and she has been living alone in Walajabad and the petitioner has not seriously denied the same. The landlady who has been living alone in Walajabad intends to shift her residence to Chengalpet, where according to her, most of the relatives have been living there. It is her case that she being aged, she wants to live in a place surrounded by her relatives and the petition mentioned premises situated at Chengalpet, is required for that purpose.

3.The ground on which the eviction sought for, is contested by the tenant by saying that the relatives of the landlady are living in Walajabad and not in Chengalpet. In support of her contention that the respondent/landlady is living alone and she is frequently undergoing treatment at Chengalpet and her relatives are at

Chengalpet and she used to go to Chengalpet frequently and both the landlady and her relatives find it not convenient to take care of the landlady who is at Walajabad, she examined herself as PW1 and her close relatives as PWs 2 and 3. The evidence of PW1 to PW3 would substantiate her claim to a considerable extent for recovery of petition mentioned premises for her personal use and occupation. No suggestion is made to the relatives PW2 and PW3 to the effect that no relatives stay at Chenglepet and they have no responsibility to take care of the petitioner.

4. On the other hand, PW2 and PW3 would categorically say that if the landlady is at Chengalpet, it would be convenient for them to take care of her health. There is absolutely no reason made out on the side of the petitioner/tenant to disbelieve the version of PW2 and PW3, which is otherwise natural, cogent and voluntary. That being the nature of evidence available herein, based on the same, the correctness of the findings of the trial Court cannot be allowed to be assailed. In my considered view, the findings of the Courts below do not suffer from any illegality or irregularity warranting any interference.

5. In the result, the Civil Revision Petition is dismissed and the petitioner/tenant is directed to vacate the premises and hand over the same to the respondent/landlady within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Asst. Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Subordinate Judge
Chengalpattu

2. The District Munsif Court
Chengalpattu

1 cc to Mr.P. Valliappan, Advocate, Sr. 20728

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